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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

VIDALIA DOCK & STORAGE CO., INC.

CIVIL ACTION NO. 04-1177

VS.

JUDGE DOHERTY

DONALD ENGINE SERV., INC.

MAGISTRATE JUDGE METHVIN

LAKE CHARLES DIESEL, INC.

VOLVO PENTA OF THE AMERICAS, INC.

RULING ON AMOUNT OF RULE 37(a)(4) SANCTIONS

On July 14, 2006, the undersigned magistrate judge granted the motion to compel filed by plaintiff Vidalia Dock & Storage Company, Inc. ("Vidalia") on June 12, 2006.¹ Vidalia was ordered to file a motion for attorney's fees and affidavit of fees and costs incurred in bringing the motion to compel so that the court could make an appropriate award of attorney's fees. Vidalia's motion and affidavit are now before the court.² The motion is unopposed.

Rule 37(a)(4) FED. R. CIV. P. provides that when a motion to compel is granted the court shall require the party whose conduct necessitated the motion to pay to the moving party the reasonable expenses incurred in making the motion, including a reasonable attorney's fee. Reasonable attorneys' fees are determined by multiplying the reasonable hours expended by a reasonable hourly rate. Hensley v. Eckerhart, 461 U.S. 424, 434 (1983). The calculation of reasonable hours requires a determination of whether the total number of hours claimed were reasonable and whether specific hours claimed were reasonably expended. League of United Latin American Citizens #4552 (LULAC) v. Rosco Independent Sch. Dist., 119 F. 3d 1228, 1232

¹ See Ruling on Motion to Compel, Rec. Doc. 47.


² Rec. Doc. 48.

(1997). A reasonable hourly billing rate is based on the "prevailing market rates in the relevant community." Blum v. Stenson, 465 U.S. 886, 895 (1984). Reasonable costs are costs which would ordinarily be charged to a fee-paying client. Associated Builders and Contractors of Louisiana, Inc. v. Orleans Parish School Board, 919 F.2d 374, 379 (5th Cir. 1990).

Vidalia seeks \$472.50 in attorney's fees (3.5 hours billed by attorney Harry Barton at a rate of \$135.00 per hour), plus \$48.17 in photocopying, telecopying, and postage costs, for a total of \$520.67 in fees and costs in connection with the filing of the motion to compel. After reviewing the affidavit and the underlying discovery dispute, the undersigned concludes that the number of hours expended and the hourly rate sought are reasonable, as is the amount sought for expenses.

IT IS THEREFORE ORDERED that defendant Volvo Penta of the Americas, Inc. ("Volvo") shall forward payment to Vidalia through its counsel of record the sum of \$520.67 within thirty (30) days following receipt of this order.

Signed at Lafayette, Louisiana on August 16, 2006



Mildred E. Methvin
United States Magistrate Judge
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